

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAVELLE SEARCY (#195469),

Plaintiff,

v.

Case No. 2:10-CV-11242
Honorable Denise Page Hood

MACOMB COUNTY AND
ARAMARK CORPORATION,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S FEBRUARY 12, 2014,
REPORT AND RECOMMENDATION [#233] AND ORDER TO SERVE**

This matter is before the Court on Magistrate Judge Paul J. Komives's Report and Recommendation on Defendant County Macomb's Motion to Dismiss; Plaintiff's Motion for Leave to File an Amended Complaint; and Plaintiff's Motion to Order Defendant Macomb County to Answer Plaintiff's Complaint. [**Docket No. 233, filed February 12, 2014**] Neither Plaintiff nor Defendant Macomb County has filed an objection to the Magistrates Report and Recommendation. For the reasons stated below, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. Defendant Macomb County's Motion to Dismiss [**Docket No. 214, filed April 8, 2013**] is **DENIED**. Plaintiff's Motion for Leave to File an Amended Complaint [**Docket No. 218, filed April 22, 2013**] and Motion to Order Defendant

Macomb County to Answer Plaintiff's Complaint [**Docket No. 225, filed June 6, 2013**] are **DENIED AS MOOT**.

I. BACKGROUND

The Magistrate Judge describes the background of this case in detail. Neither Plaintiff nor Defendant Macomb County made an objection to the Magistrate Judge's findings of fact. The Court adopts the Magistrate Judge's findings of fact in their entirety.

II. STANDARD OF REVIEW

The Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* Objections to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) ("The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.")

"[O]nly those specific objections to the magistrate's report made to the district court will be preserved for appellate review; making some objections but failing to

raise others will not preserve all the objections a party may have.” *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). “An ‘objection’ that does nothing more than state a disagreement with a magistrate’s suggested resolution, or simply summarizes what has been presented before, is” insufficient. *Aldrich v. Bock*, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004). A party’s failure to file any objections waives his or her right to further appeal, *see Smith*, 829 F.2d at 1373, and relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court notes that the Magistrate Judge notified the parties of their right to “seek review of [the] Report and Recommendation.” Magistrate Komives also reminded the parties of the timeline in which to do so. As previously stated, neither Plaintiff nor Defendant Macomb County has filed an objection to the Magistrate Judge’s February 12, 2014, Report and Recommendation [**Docket No. 233**].

III. CONCLUSION

Accordingly,

IT IS ORDERED Defendant Macomb County’s Motion to Dismiss [**Docket No. 214, filed April 8, 2013**] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Leave to File an Amended Complaint [**Docket No. 218, filed April 22, 2013**] and Motion to Order

Defendant Macomb County to Answer Plaintiff's Complaint are **DENIED AS MOOT.**

IT IS FURTHER ORDERED that the Marshal shall serve Plaintiff's Amended Complaint on Macomb County. Following Service by the Marshal, the County's duty to answer and otherwise respond to the Complaint shall be governed by Federal Rule of Civil Procedure 12.

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 31, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 31, 2014, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager